

Battelle Proposal Under Microscope

By KEITH L. MARTIN

Is a laboratory building where people meet the same as a meeting building with no lab?

That's the question before the Zoning Board of Appeals regarding the construction of a proposed three-level building for the Battelle Memorial Institute on Washington Street.

On Thursday, Battelle presented the board with plans to replace a former laboratory building that contained meeting space with a new, 8,400-square-foot building to house more office space and larger conference rooms. The new building would be more than a third larger than the former laboratory building, constructed in the early 1900s.

While the proposed site plan got unanimous approval from the Planning Board in December, ZBA members largely focused their attention on why the application was before them in the first place.

Paul Brogna of Seacoast Engineering represented Battelle at the hearing and said that it was the opinion of Building Inspector Richard MacDonald that the change of use between the former building and the new one created a non-conforming situation and it would be up to the ZBA to grant a spe-

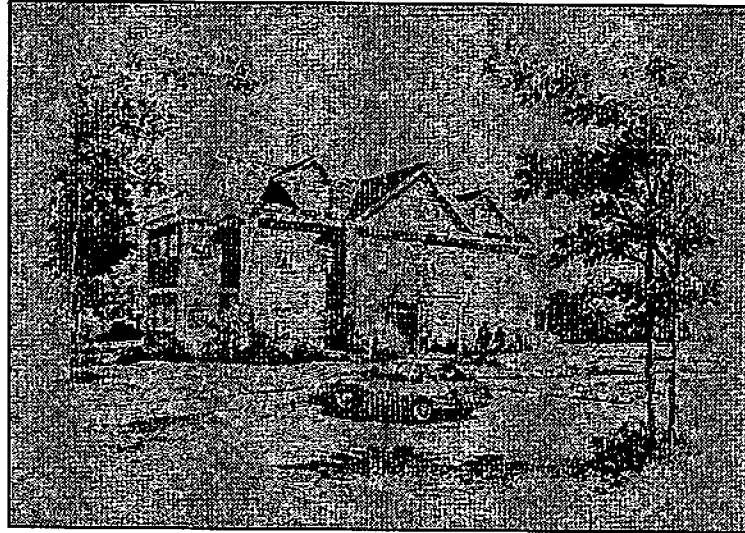
cial permit to allow this situation to exist. Otherwise, with the exception of some technical issues on parking and height to be worked out, Brogna said the structure is conforming in every way.

On Monday, however, MacDonald said that it was not the change in use issue from a lab to an office building that led to his referral of Battelle to the ZBA, but instead an increase in intensity of use with the new structure. Because it is in a residential compatibility district, he said, this is a non-conforming use and must go before the board for approval.

"If they put the same building on the same footprint, this wouldn't be an issue," said MacDonald. "But because it is bigger, it is non-conforming."

At Thursday's meeting Brogna said that at the old laboratory building, meetings were held but that the space was limited. Therefore, Battelle was proposing a new building to accommodate its meetings and provide its staff with adequate office space.

The institute performs research and technical services in marine and environmental science for numerous clients around the country and often



In keeping with the neighborhood aesthetics, Battelle is proposing this "federal style" look for their new office/conference building.

has clients come to them for meetings, said Brogna.

After a presentation on the architecture of the proposed building, attorney Tom Tucker, a past member of the ZBA, reminded the board that because of Battelle's work, they may be entitled to educational exceptions to bylaws. ZBA member James Lampert said that there was no evidence before them to indicate that they are.

"Battelle is a 501c3 [charitable] organization," said Tucker. "I can show you a letter from the Internal Revenue Service

which says it is an exempt charitable entity for scientific educational purposes."

Agreeing to disagree, Brogna, Tucker and Lampert revisited the discussion on the change in the nature of the new building, with Lampert saying that for the sake of argument, the board is dealing with a change of use. Therefore, they must then find it is not substantially more detrimental, that the alteration conforms and that it is in accordance with the standards in the bylaws.

Lampert added that one

part of the bylaw that troubled him was a section that said the ZBA shall not encourage an expansion that increases floor space and activity of the structure. Battelle's proposal, he said, includes a significant increase in overall floor space as well as both a change in the number of people in the building and its overall use.

After more discussion of Battelle as a philanthropic organization and background on the institute, Lampert said the board is really dealing with three key issues: one, if there is a change of use; two, if it is eligible for educational exemption; and three, if there is a change, how the ZBA deals with the guidelines on increased floor space and volume of activity.

Tucker reiterated that this was not a change in use and that the uses would be similar between the buildings.

ZBA member Elizabeth Lewis recommended that Tucker prepare a brief for the board proving there is no change of use and also how the institute conducts educational endeavors, to which he agreed.

The ZBA will continue the public hearing on the matter on February 26.